

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner, No. CIV S-97-0152 WBS KJM

vs. DEATH PENALTY CASE

STEVEN W. ORNOSKI,  
Acting Warden of San Quentin  
State Prison,

Respondent. ORDER

The parties have submitted a joint statement regarding pre-evidentiary hearing  
matters. Good cause appearing, IT IS HEREBY ORDERED:

1. The February 6, 2006 scheduling order is modified as follows:
  - a. By May 10, 2006, the parties shall file a joint statement outlining all agreements on the submission of documents under Rule 7.
  - b. Also by May 10, the parties shall file briefs regarding any disagreements set out in the March 16 joint statement. Those briefs shall include the parties' positions on: (i) the submission of documents under Rule 7, (ii) the taking of witness testimony by declaration or deposition in lieu of in-court testimony, (iii) respondent's obligation to provide petitioner with discovery,

1 and (iv) any other disagreements between the parties regarding  
2 preparation for the evidentiary hearing. The parties shall file  
3 responsive briefs by May 17 and any reply briefs by May 24, 2006.  
4 On June 7, 2006 at 11:00 a.m. the undersigned will hold a hearing  
5 on these disputes in courtroom # 26.

6 2. Petitioner requests shortening the time by which respondent must provide  
7 exhibit and witness lists and a summary of lay witness testimony.  
8 Petitioner provides no reasons for this request. It is denied.  
9 3. By May 24, 2006, the parties shall submit a joint statement suggesting any  
10 agreed-upon changes to the protective order or describing any  
11 disagreements regarding changes to the protective order. The parties shall  
12 be prepared to discuss issues involving the protective order at the June 7  
13 hearing.

14 DATED: March 20, 2006.

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17 UNITED STATES MAGISTRATE JUDGE  
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